

2012

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Abstract

The basic historical details of Heman M. Sweatt's lawsuit to desegregate the University of Texas Law School are well known. Sweatt, a postal carrier from Houston, sought admission to the school and was denied because he was black; he sued, his case went to the U.S. Supreme Court, and in *Sweatt v. Painter* (1950) the Court ruled in his favor but refused to overturn *Plessy v. Ferguson* (1896). In *Before Brown: Heman Marion Sweatt, Thurgood Marshall, and the Long Road to Justice*, Gary M. Lavergne demonstrates that so much more took place. He traces the long history of segregation in higher education and the complex legal issues that Sweatt and his attorneys challenged in state and federal court. Lavergne asserts, "I want *Before Brown* to be more than a biography of a single plaintiff in a Supreme Court case" (p. 2). Indeed, the breadth of the book's coverage is its greatest strength.

Disciplines

Social History | United States History

Comments

This book review is published as Review of Gary M. Lavergne, *Before Brown: Heman Marion Sweatt, Thurgood Marshall, and the Long Road to Justice*, in the *Journal of Southern History*, LXXVIII, No. 2 (May 2012), 518-19. Posted with permission.

Review

Reviewed Work(s): Before Brown: Heman Marion Sweatt, Thurgood Marshall, and the Long Road to Justice. Jess and Betty Jo Hay Series by Gary M. Lavergne

Review by: Brian D. Behnken

Source: *The Journal of Southern History*, Vol. 78, No. 2 (MAY 2012), pp. 518-519

Published by: Southern Historical Association

Stable URL: <http://www.jstor.org/stable/23248131>

Accessed: 22-03-2018 16:18 UTC

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However, it is also true that, if we were to analyze the intrinsic value of Venturini's study as a representative synthetic treatment of current approaches to the civil rights movement, independent of the author's intended aim to reach exclusively an Italian readership, we would find the book open to criticism. To begin with, the book seems to have been constructed by consulting a perhaps large, but still limited, number of scholarly studies—mostly books and only very few articles. In reading the titles of the scholarship cited, one cannot help but notice that, while the historiography in the Italian language is thorough and up-to-date, the same cannot be said for the historiography in the English language, where even fundamental works—such as Harvard Sitkoff's *The Struggle for Black Equality, 1954–1992* (New York, 1993), Stewart Burns's *To the Mountaintop: Martin Luther King, Jr.'s Sacred Mission to Save America, 1955–1968* (San Francisco, 2004), Michael J. Klarman's *From Jim Crow to Civil Rights: The Supreme Court and the Struggle for Racial Equality* (New York, 2004), and even Leon Litwack's recent important reassessment, "'Fight the Power!' The Legacy of the Civil Rights Movement" (*Journal of Southern History*, 75 [February 2009], 3–28), to cite but a very few titles—are simply not present. Venturini's book seems also to be characterized by little use of even published primary sources, despite the large number available in edited collections and on the Internet; the few footnotes related to actual quotations regularly refer to documents cited in studies written by other scholars.

In sum, despite the book's undeniable merits for an Italian readership, both the absence of a mastery of a complex and continuously evolving historiography and the lack of original engagement with primary sources make Venturini's book an unlikely candidate for translation for the English-speaking market.

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ENRICO DAL LAGO

Before Brown: Heman Marion Sweatt, Thurgood Marshall, and the Long Road to Justice. By Gary M. Lavergne. Jess and Betty Jo Hay Series. (Austin: University of Texas Press, 2010. Pp. [xii], 354. \$26.95, ISBN 978-0-292-72200-2.)

The basic historical details of Heman M. Sweatt's lawsuit to desegregate the University of Texas Law School are well known. Sweatt, a postal carrier from Houston, sought admission to the school and was denied because he was black; he sued, his case went to the U.S. Supreme Court, and in *Sweatt v. Painter* (1950) the Court ruled in his favor but refused to overturn *Plessy v. Ferguson* (1896). In *Before Brown: Heman Marion Sweatt, Thurgood Marshall, and the Long Road to Justice*, Gary M. Lavergne demonstrates that so much more took place. He traces the long history of segregation in higher education and the complex legal issues that Sweatt and his attorneys challenged in state and federal court. Lavergne asserts, "I want *Before Brown* to be more than a biography of a single plaintiff in a Supreme Court case" (p. 2). Indeed, the breadth of the book's coverage is its greatest strength.

While the struggle for equal postsecondary education in Texas began in the nineteenth century, it intensified in the 1940s after black NAACP leaders began to win legal battles against the all-white Democratic primary in Texas and against residential segregation and Jim Crow in higher education in other

states. Thurgood Marshall, Texas attorneys Crawford B. Bunkley Jr. and William J. Durham, and Texas NAACP officials such as Lulu White and A. Maceo Smith all believed the state would make for a good higher education desegregation test case. Sweatt stepped forward as the most viable candidate for a lawsuit against the University of Texas, initiating a fight not only with white authorities but also among black leaders.

Lavergne pays close attention to divisions within the African American leadership. Black leaders were certainly not homogeneous in their viewpoints, and some wanted to use the *Sweatt* case not to desegregate the University of Texas but to make separate equal. Carter W. Wesley, the editor of the influential Houston *Informer*, intended to use the *Sweatt* case as leverage to force the state to fund a "university of the first class for Negroes" (p. 74). Marshall, White, and many others vehemently disagreed. Wesley struck back publicly, berating Marshall and White in the *Informer*. In personal letters, Wesley called Marshall a "stupid man," "a plain coward," and "a man of little ability and of little mentality" (pp. 112, 114). Marshall retaliated, deriding Wesley's "mental shallowness, and . . . bankruptcy in integrity" (p. 114). As Lavergne correctly notes, "The Carter Wesley-Lulu White-Thurgood Marshall feud . . . destroys the notion that the civil rights movement was fomented by 'outsiders'" (p. 114). It also destroys the notion that all black people supported integration.

The last third of the book explores the ins and outs of the state and Supreme Court phases of the *Sweatt* case. The courtroom battles demonstrate the dexterity of the African American attorneys and show how the state deftly argued to maintain segregation. The segregationists, most importantly Texas attorney general Price Daniel, crafted a series of strategies that either preserved segregation or deflected the integration movement. Lavergne's treatment of both the black supporters of desegregation and their white opponents reminds readers of the monumental nature of *Sweatt* and other integration cases.

Lavergne has produced the first thorough historical evaluation of *Sweatt v. Painter* and the diverse cast of characters involved in that drama. The book is compelling, well written, and ably argued. While Lavergne tends to repeat basic information at the beginning of the book, and he perhaps pays too much attention to the trial proceedings, including extensive block quotations of courtroom testimony, these are minor objections that do not mar an otherwise impressive work. Anyone interested in the history of the American legal profession, Texas history, or African American history will find this study extremely useful.

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The Voice of Conscience: The Church in the Mind of Martin Luther King, Jr.

By Lewis V. Baldwin. (New York and other cities: Oxford University Press, 2010. Pp. [xvi], 365. Paper, \$29.95, ISBN 978-0-19-538030-9; cloth, \$99.00, ISBN 978-0-19-538031-6.)

In this compelling volume, Lewis V. Baldwin brings to light one of the foundational elements of Martin Luther King Jr.'s social and theological